

**REMARKS**

In the Office Action, the Examiner:

- a) objects to claim 19;
- b) rejects claims 16, 17, 19, 36, and 37 under 35 U.S.C. 112, second paragraph, as being indefinite;
- b) rejects claims 16 and 36 under 35 U.S.C. 102(b) as being anticipated by Kanazawa et al., Japanese Application Publication No. 2001-054147 ("*Kanazawa*"); and
- d) rejects claims 17-19, 37-39, 45, and 51 under 35 U.S.C. 103(a) as being unpatentable over *Kanazawa*.

By this Amendment, Applicant amends claims 16, 17, 19, 36, 37, and 39, withdraw claims 40-44 and 46-50, and adds new claims 52-55. Support for the amendments can be found throughout Applicant's specification and in the drawings as originally filed.

**Response to Claim Rejection under 35 U.S.C. § 112, Second Paragraph**

Applicant respectfully traverses the rejections of claims 16, 17, 19, 36, and 37 under 35 U.S.C. § 112, second paragraph. Nevertheless, in order to expedite prosecution, Applicant amends claims 16, 17, 19, 36, and 37 to address the rejection and thus respectfully requests withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

**Response to Claim Rejection under 35 U.S.C. § 102**

Applicant respectfully traverses the rejection of claims 16-19 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa*.

In order to properly establish that *Kanazawa* anticipates claim 16 under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, (Fed. Cir. 1989).

Claim 16 recites a combination including, for example, “capturing, by an image sensor, a plurality of first images of [a] test pattern” and “determining, based on the first images, a sensor velocity corresponding to the pattern velocity” (emphasis added).

In the Office Action, the Examiner cites portions of *Kanazawa* as a teaching of the above-quoted elements of claim 16. This is incorrect. Neither the cited portions nor any other portions of *Kanazawa* disclose or even suggest these elements.

The Examiner continues to assert that *Kanazawa* teaches that picture sensing device 5 captures “a plurality of first images of [a] test pattern” and that control device 6 determines “based on the first images, a sensor velocity corresponding to the pattern velocity.” This is not correct.

For example, as set forth in paragraph 0019 of *Kanazawa*, “[I]nput light is changed into an electric picture signal with the picture sensing device 5, is further clamped by the predetermined level, and is made into a predetermined gain, and an A/D conversion is carried out, and it is outputted as the data d for dynamic-characteristics measurement.” *Kanazawa* then teaches synchronizing the rotation of mirror 3 with sine wave 30 by feeding synchronized signals to picture signal generator 1 and control device 6 at the same time.

Specifically, *Kanazawa* states “[t]he control device 6 changes the phase of the roll control signal c sent to the drive 4 of the rotating mirror 3 synchronizing with it, and controls the revolving speed of the rotating mirror 3 while it changes the frequency and movement speed of the sine wave 30 to the picture signal generator 1 by sending the image control signal b” (emphasis added). See *Kanazawa*, para. [0028].

Thus, *Kanazawa* at best teaches changing the frequency and speed of sine wave 30 and, accordingly, adjusting the rotational speed of mirror 3 at the same time. However, this does not constitute capturing a first set of images for determining a sensor velocity before taking a second image, the second image being used to evaluate the quality of the screen. As a result, *Kanazawa* fails to disclose “capturing, by an image sensor, a plurality of first images of [a] test pattern” and “determining, based on the first images, a sensor velocity corresponding to the pattern velocity,” as recited in amended claim 16 (emphasis added). For at least this reason, Applicant respectfully submits that *Kanazawa* fails to disclose every element of claim 16 and requests withdrawal of the rejection under 35 U.S.C. § 102(b).

Independent claim 36 incorporates all of the elements of amended claim 16. For at least reasons similar to those discussed above, Applicant respectfully submits that claim 36 is also not anticipated by the *Kanazawa* reference under 35 U.S.C. § 102(b).

#### **Response to Claim Rejection under 35 U.S.C. § 103**

Applicant respectfully traverses the rejection of claims 17-19, 37-39, 45, and 51 under 35 U.S.C. 103 as being unpatentable over *Kanazawa*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." *M.P.E.P.* § 2142, 8th Ed., Rev. 8 (July 2010)(*internal citation and inner quotation omitted*). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." *M.P.E.P.* § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." *M.P.E.P.* § 2141(III). Here, a *prima facie* case of obviousness has not been established because the Office has neither properly determined the scope and content of the prior art nor properly ascertained the difference between Applicant's claims and the prior art.

In particular, claims 17-19, 37-39, 45, and 51 depend from one of the allowable independent claims and incorporate all of the elements thereof. As discussed above in connection with claims 16 and 36, *Kanazawa* fails to disclose or suggest "capturing, by an image sensor, a plurality of first images of [a] test pattern" and "determining, based on the first images, a sensor velocity corresponding to the pattern velocity," as recited in claim 16 and included in claims 17-19, 37-39, 45, and 51.

In view of the mischaracterization of the prior art set forth above, the Office has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action

has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claims 17-19, 37-39, 45, and 51 under 35 U.S.C. §103 as being obvious from *Kanazawa* is thus improper and should be withdrawn.

#### **New Claims**

New independent claims 52 and 54, although of different scopes, recite elements similar to those of independent claim 16. For at least reasons similar to those discussed in connection with claim 16, independent claims 52 and 54 and their dependent claims 53 and 55 are allowable over the cited reference.

#### **Conclusion**

In view of the foregoing, Applicant submits that all claims are in condition for allowance and requests reconsideration of the application and withdrawal of the rejections. Accordingly, Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 6, 2011

By: 

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